IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3057 OF 2006

In

SUMMARY SUIT NO.3047 OF 2004

Reuters India Private Limited : Plaintiff

V/s.

The Maharashtra State Co-operative Bank : Defendant

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Ms Padmaja Dholakia i/b. M/s.Dholakia Gupte & Co., for the plaintiff.

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CORAM : S.A.BOBDE, J.

DATE : JANUARY 15, 2007.

P.C.

1. This Notice of Motion is taken out by the plaintiff for permission to withdraw a sum of Rs.5,72,796.70 in pursuance of a partial decree passed by this Court in Summons for Judgement no.450 of 2005 in Summary Suit no.3047 of 2004 on 5.12.2005. This Court while making the Summons for Judgement absolute granted a decree in the sum of Rs.4,54,106.70 together with interest at the rate of 18% from the date of filing of the suit till payment or realisation. As regards the balance claim, this Court granted unconditional leave to the defendant to defend the

suit.

2. According to the plaintiff, the defendant has deposited the said amount of Rs.5,72,796.70 in the office of the Prothonotary & Senior Master towards satisfaction of the decree. Hence, they have taken out this Notice of Motion for permission to withdraw the said amount. Having regard to the circumstances of the case, I see no reason to withhold the grant of the plaintiff’s prayer.

3. Accordingly, the Notice of Motion is hereby allowed in terms of prayer clause (a). Disposed of.

S.A. BOBDE, J.